



UNITED STATES PATENT AND TRADEMARK OFFICE

H.A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,979	03/26/2004	Russell Bonaventura	LEAP:133 US	9629
7590 08/01/2006 SIMPSON & SIMPSON, PLLC 5555 Main Street Williamsville, NY 14221			EXAMINER LAVARIAS, ARNEL C	
			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/810,979	Applicant(s) BONAVENTURA ET AL.	
	Examiner Arnel C. Lavarias	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-34 is/are pending in the application.
- 4a) Of the above claim(s) 2,5-7,17,19,22,23 and 26-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-16,18,20,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The replacement drawings were received on 6/5/06. These drawings are acceptable.

Response to Amendment

2. The amendments to the specification of the disclosure in the submission dated 6/5/06 are acknowledged and accepted. In view of these amendments, the objections to the specification in Section 9 of the Office Action dated 3/1/06 are respectfully withdrawn. Further, the objections to the incorporation by reference in Sections 10-11 of the Office Action dated 3/1/06 are respectfully withdrawn.
3. The amendments to Claims 1, 8-16 in the submission dated 6/5/06 are acknowledged and accepted. In view of these amendments, the objections to the claims in Section 12 of the Office Action dated 3/1/06 are respectfully withdrawn.
4. The cancellation of Claim 4 in the submission dated 6/5/06 is acknowledged and accepted.

Response to Arguments

5. The Applicants' arguments filed 6/5/06 have been fully considered but they are not persuasive.
6. The Applicants argue that, with respect to newly amended Claim 1, as well as Claims 3-4, 8-16, 18, 20-21, 24-25 which depend on Claim 1, Kawashima fails to teach or

reasonably suggest the stage being displaceable by the drive means along a y-axis, and the bearings and drive means for the carriage and the stage are disposed under the stage and are shielded by the bottom side of the stage. The Examiner disagrees. Firstly, Kawashima specifically discloses bearings (See for example 6 in Figure 2; 16 in Figure 3) that are disposed under the stage (See 1 in Figures 2-3) and shielded by the bottom of the stage. In addition, Kawashima discloses the drive means for both the carriage and the stage (See specifically 19, 23, as well as associated gears in Figures 2, 6) are disposed under the stage and are shielded by the bottom of the stage. Finally, it is noted that the stage is displaceable in the y-axis via rotation of knob 19 (See 19 in Figures 2, 6), which in turn rotates gears 22, 25, and 30 (See 22, 25, 30 in Figure 6).

7. Claims 1, 3, 8-16, 18, 20, 24-25 are now rejected as follows.

Claim Objections

8. Claims 1, 3, 8-16, 18, 20, 24-25 are objected to because of the following informalities:

Claim 1 recites the limitation "said bearings" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites "said drive means" in line 6. Since there are actually two drive means recited in Claim 1 (i.e., drive means for the carriage and drive means for the stage), it is not clear which drive means is being referred to here. For purposes of examination, the examiner has taken this to mean "said drive means for said stage".

Claims 3, 8-16, 18, 20, 24-25 are dependent on Claim 1, and hence inherit the deficiencies of Claim 1.

Appropriate correction is required.

9. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 21 is dependent on Claim 4, which has been cancelled. Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 3, 8, 18, 20, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Kawashima (U.S. Patent No. 3572888), of record.

Kawashima discloses a microscope stage assembly (See Figures 1-6), which comprises a stage (See for example 1, 5 in Figures 1-3) having a top side and a bottom side; an opening (See 37, 38 in Figures 4-5) in the stage in the form of a linear slot; a carriage (See 17, 3 in Figures 3-5) positioned adjacent to the slot for movement in a direction generally parallel with the slot; drive means (See for example 19, 23 in Figure 1; See also Figure 6) for the carriage and the stage; specimen retaining means (See 2, 2a, 2b in Figure 1) on the top side of the stage; and means (See for example 17, 14 in Figures

3-5) for affixing the specimen retaining means to the carriage through the opening in the stage, wherein the stage (See specifically 1 in Figures 2-3) is displaceable by the drive means along a y-axis (See specifically knob 19 in Figure 2, 6, as well as gears 22, 25, 30 in Figure 6), and bearings (See for example 6 in Figure 2; 16 in Figure 3) and the drive means for the carriage and the stage (See specifically 19, 23, as well as associated gears in Figures 2, 6) are disposed under the stage and are shielded by the bottom side of the stage (See 1 in Figures 2-3). Kawashima further discloses a stage mounting plate for mounting the assembly to a microscope (See for example 5, 9 in Figure 2); a microscope comprising the stage drive assembly (See Abstract); and a first engagement means (See for example 25 or 27 in Figures 2, 6) for a microscope stage drive mechanism (See for example 19, 23 in Figures 2, 6) at a first location on the stage, and a second engagement means (See for example 25 or 27 in Figures 2, 6) for the microscope stage drive mechanism at a second location on the stage.

12. Claims 9-10, 13, 15, 24, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Kawashima.

Kawashima discloses the invention as set forth above in Section 11. Kawashima additionally discloses the first location further comprising the microscope stage drive mechanism and a rack (See for example 19, 22, 25, 30, 13 in Figures 2, 6) operatively arranged to engage the microscope stage drive mechanism for movement of the stage in a y-axis; the rack mounted to the stage mounting plate (See 30, 13 in Figures 2, 6), the microscope stage drive mechanism and the rack operatively arranged for movement of the stage relative to the mounting plate in a y-axis; the microscope stage drive mechanism

is a unitary device adapted for movement of both the carriage and the specimen retainer means relative to the stage in an x-axis, and movement of the stage relative to the stage mounting plate in a y-axis (See 19, 23 in Figures 2, 6); the unitary microscope stage drive mechanism comprises an inner drive shaft and an outer drive shaft arranged coaxially with respect to the inner drive shaft (See 19, 23 in Figures 2, 6); and the microscope comprising the drive assembly (See Abstract).

13. Claims 11-12, 14, 16, 25, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Kawashima.

Kawashima discloses the invention as set forth above in Section 11. Kawashima additionally discloses the second location further comprising the microscope stage drive mechanism and a rack (See for example 19, 22, 25, 30, 13 in Figures 2, 6) operatively arranged to engage the microscope stage drive mechanism; the rack mounted to the stage mounting plate (See 30, 13 in Figures 2, 6), the microscope stage drive mechanism and the rack operatively arranged for movement of the stage relative to the mounting plate in a y-axis; the microscope stage drive mechanism is a unitary device adapted for movement of both the carriage and the specimen retainer means relative to the stage in an x-axis, and movement of the stage relative to the stage mounting plate in a y-axis (See 19, 23 in Figures 2, 6); the unitary microscope stage drive mechanism comprises an inner drive shaft and an outer drive shaft arranged coaxially with respect to the inner drive shaft (See 19, 23 in Figures 2, 6); and the microscope comprising the drive assembly (See Abstract).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Arnel C. Lavarias
Primary Examiner
Group Art Unit 2872
7/25/06



Replacement Sheet
U.S. Patent Application No. 10/810,979

1/11

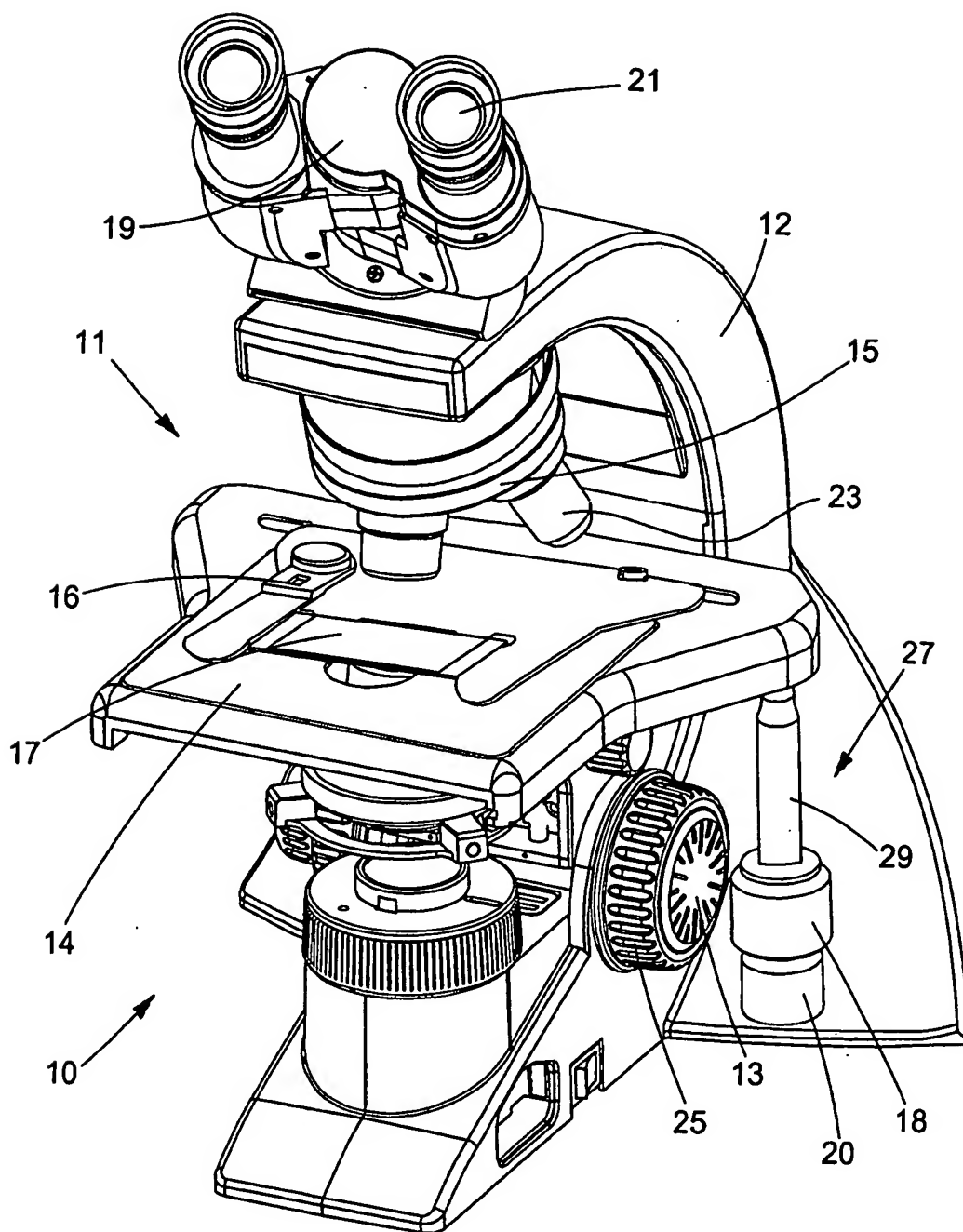


Fig. 1

Drawing changes
Approved
AC
7/25/06

10/11

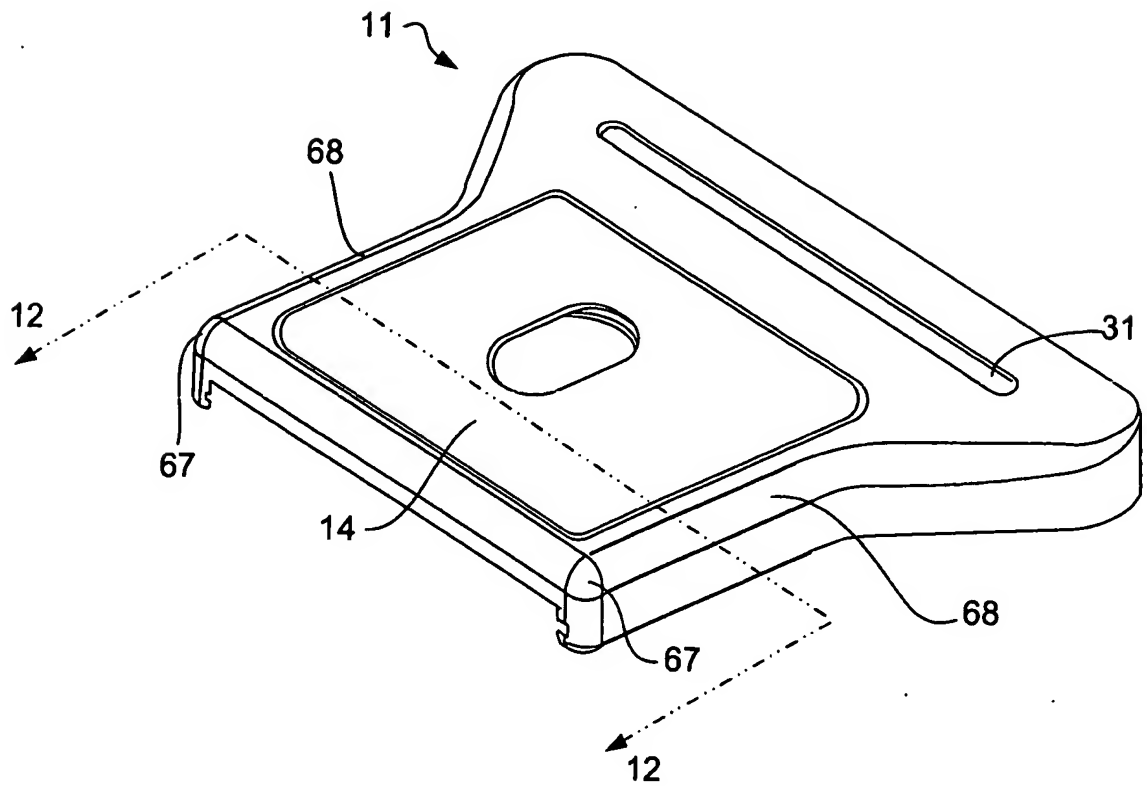


Fig. 11

11/11

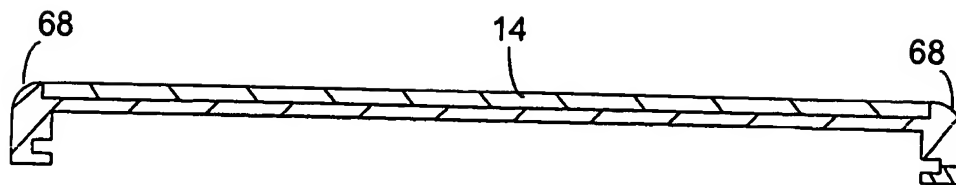


Fig. 12